

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LESLIE R. KELLY,
Plaintiff,

v.

MARTY SAPKO, et al.,
Defendants.

**C.A. No. 03-368 Erie
District Judge McLaughlin
Magistrate Judge Baxter**

ORDER

AND NOW, this 30th day of November, 2005:

IT IS HEREBY ORDERED that Plaintiff's motion for the appointment of counsel [Document # 44] is GRANTED.

IT IS FURTHER ORDERED that Defendants' motion to dismiss or, in the alternative, for summary judgment [Document # 46] is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Plaintiff, now represented by counsel, may file his amended complaint on or before January 20, 2006, and that Plaintiff's motion to amend/correct record [Document # 51] is DISMISSED, without prejudice to Plaintiff's right to re-file the same through his counsel.

IT IS FURTHER ORDERED that Defendants file either an answer or a dispositive motion in response to the amended complaint before February 17, 2006.

IT IS FURTHER ORDERED that Plaintiff may file a reply brief before March 3, 2006.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge